

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of November 7, 2013

The regular meeting of the Second Injury Board convened at 2:07 p.m.

The following were present:

1. Mr. Charles Hansberry, Chairman, representing Commissioner of Insurance
2. Mr. Wes Hataway, OWCA Director
3. Ms. Lynette Mack, representing State Treasurer
4. Mr. Steve Hawkland, representing Secretary of State
5. Ms. Pauline Williams, SIB Director
6. Michelle Sumrall, Compliance Supervisor
7. Meridith Trahant, General Counsel
8. Karl Scott, General Counsel
9. Shaneka Davis, Recording Secretary

Mr. Hansberry, Chairman, called the meeting to order and began with *Item 1* on the agenda, being the reading of the minutes from the previous meeting. Ms. Mack moved to dispense with the reading of the minutes and approve the minutes as printed and distributed. The motion was seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to *Item 2* on the agenda, being hearings on pending claims on the November 7, 2013 agenda. There being none the Chairman moved to *Item 9 I*, presentation by LRS.

Present representing LRS was Mark Martin, Chris Anthony and John Schweitzer. They reported much success with partnership with SIB. They reported on the number of clients assisted and cases closed. They presented the members with handouts showing specific numbers throughout the state (see attached). Mr. Martin, respectfully requested SIB increase the LRS allocation to 2%. The Board stated they would take this under consideration in Executive Session.

Next the Chairman moved to *Item 3* on the agenda, being the recommendation of staff to approve reimbursement on the following (6) claims; beginning with Claim #12-0746 and ending with Claim #13-0110.

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| 1. | 12-0746 | City of Sulphur | 104 week deductible |
| 2. | 12-0906 | Ace American Ins. Co | 104 week deductible |
| 3. | 12-0966 | North Oaks Health System | 104 week deductible |
| 4. | 13-0063 | Great American Insurance Company | 104 week deductible |
| 5. | 13-0090 | Monroe City School Board | 104 week deductible |
| 6. | 13-0110 | Ace American Ins. Co | 104 week deductible |

Mr. Hansberry asked for a motion to accept the recommendation of staff and approve reimbursement of these claims. The motion was made by Mr. Hawkland, seconded by Ms. Mack, and passed unanimously.

The Chairman moved to *Item 4* on the agenda, being the recommendation of staff to deny reimbursement for the following (73) claims; beginning with Claim #11-0974 and ending with Claim #13-0808; excluding items # 35 and 45, which were postponed.

1. 11-0974 Bridgefield Casualty Insurance Company
2. 12-0192 Ace American Ins. Co
3. 12-0677 Parish Government Risk Management Agency
4. 12-0704 Louisiana Commerce & Trade Association
5. 12-0710 Bridgefield Casualty Insurance Company
6. 12-0742 Gray Insurance Company
7. 12-0756 LUBA Casualty Insurance Company
8. 12-0802 Louisiana Health Care SIF
9. 12-0891 Bridgefield Casualty Insurance Company
10. 12-0910 New Hampshire Insurance Company
11. 12-0948 Terrebonne Parish School Board
12. 12-0974 City of New Orleans
13. 13-0012 Rapides Parish School Board
14. 13-0015 LEMIC Insurance Company
15. 13-0024 Lafayette Parish School Board
16. 13-0050 LUBA Casualty Insurance Company
17. 13-0070 Louisiana Auto Dealers Association
18. 13-0075 Lafayette Parish School Board
19. 13-0078 None Documented
20. 13-0086 Lafayette Parish School Board
21. 13-0089 Louisiana Commerce & Trade Association
22. 13-0101 LEMIC Insurance Company
23. 13-0102 Louisiana Commerce & Trade Association
24. 13-0104 Louisiana Workers' Compensation Corporation
25. 13-0107 None Documented
26. 13-0118 LEMIC Insurance Company
27. 13-0119 Ace American Ins. Co
28. 13-0122 Louisiana Workers' Compensation Corporation
29. 13-0129 City of Monroe
30. 13-0130 Louisiana Municipal Risk Management Agency
31. 13-0131 None Documented
32. 13-0134 Lafayette Parish School Board
33. 13-0136 Bridgefield Casualty Insurance Company
34. 13-0137 Bridgefield Casualty Insurance Company
35. ~~13-0140 None Documented~~ Postponed
36. 13-0141 LEMIC Insurance Company
37. 13-0143 Louisiana Construction & Industry - Sif
38. 13-0146 Ins. Co. of the State of PA
39. 13-0147 Safety National Casualty Corporation
40. 13-0148 Acadian Ambulance Service, Inc
41. 13-0149 Phoenix Insurance Company
42. 13-0153 None Documented
43. 13-0154 Louisiana Restaurant Association
44. 13-0156 Louisiana Commerce & Trade Association

45.	13-0158	LUBA Casualty Insurance Company	Postponed
46.	13-0159	Louisiana Municipal Risk Management Agency	
47.	13-0161	Autozone, Inc.	
48.	13-0168	Louisiana Auto Dealers Association	
49.	13-0169	Louisiana Health Care SIF	
50.	13-0171	Terrebonne Parish Government	
51.	13-0177	None Documented	
52.	13-0182	New Hampshire Insurance Company	
53.	13-0186	New Hampshire Insurance Company	
54.	13-0189	Old Republic Insurance Company	
55.	13-0195	Louisiana Workers' Compensation Corporation	
56.	13-0201	LEMIC Insurance Company	
57.	13-0204	Louisiana Workers' Compensation Corporation	
58.	13-0210	New Hampshire Insurance Company	
59.	13-0213	LEMIC Insurance Company	
60.	13-0228	Orleans Parish School Board	
61.	13-0234	None Documented	
62.	13-0249	Old Republic Insurance Company	
63.	13-0413	Bridgefield Casualty Insurance Company	
64.	13-0422	Louisiana Retailers Mutual Insurance Company	
65.	13-0428	LUBA Casualty Insurance Company	
66.	13-0430	None Documented	
67.	13-0435	LEMIC Insurance Company	
68.	13-0446	National Union Fire Insurance - Pittsburgh, PA	
69.	13-0540	LEMIC Insurance Company	
70.	13-0554	LUBA Casualty Insurance Company	
71.	13-0561	None Documented	
72.	13-0772	Louisiana Workers' Compensation Corporation	
73.	13-0808	None Documented	

Mr. Hawkland moved to accept the recommendation of staff to deny these claims. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (176) partial payments beginning with Claim #91-0395 and ending with Claim #12-0102. Mr. Hansberry asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of November 7, 2013. The motion was made by Ms. Mack, seconded by Mr. Hawkland, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (84) quarterly payments due beginning with Claim #84-0154 and ending with Claim #11-0464. Mr. Hawkland moved to accept the recommendation of the Director and approve reimbursement of quarterly payments as submitted on the agenda of November 7, 2013. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. No one from the public was present therefore, the Chairman moved to *Item 8* on the agenda. Ms. Mack made a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Mr. Hawkland seconded the motion and it was passed unanimously.

Upon returning from Executive Session, the Chairman moved to *Item 8a* of the agenda, being settlement recommendations. The Chairman requested a motion to approve the recommendations of the Director regarding settlement authority as discussed in Executive Session and to extend settlement authority to be reimbursed on quarterly basis for the following claims:

1. 97-1350
2. 01-1031
3. 02-1379
4. 04-0752
5. 09-0209
6. 09-0539
7. 10-0001
8. 10-0201
9. 10-0620
10. 10-0740
11. 11-0480
12. 11-0632
13. 11-0656
14. 11-0900
15. 12-0023
16. 12-0164
17. 12-0459
18. 12-0615
19. 12-0632
20. 12-0825
21. 12-0840

The following claims were recommended to be denied for settlement and be paid on an on-going basis:

1. 92-0209
2. 96-0915
3. 09-0181

The recommendation that the previous authority granted stand was made on the following claims:

1. 08-0483

Ms. Mack moved to accept the recommendation. The motion was seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to *Item 8b* of the agenda, being Second Injury Board litigation. The Chairman asked for a motion to grant authority to legal counsel as discussed in Executive Session, to represent the Board in the following manner:

1. Claim #09-0976 continue litigation
2. Claim #11-0744 settlement authority
3. Claim #09-1028 continued litigation
4. Claim #10-0804 settlement authority
5. Claim #07-0154 settlement authority
6. Claim #12-0514 settlement authority
7. Claim #12-0276 settlement authority
8. Claim #11-0352 settlement authority
9. Claim #12-0058 settlement authority
10. Claim #10-1022 settlement authority
11. Claim #12-0816 settlement authority
12. Claim #10-0205 settlement authority
13. Claim #10-0511 settlement authority

Mr. Hawkland moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 9 2* on the agenda, approval of the annual assessment rate. The Board approved a rate of 5.75%.

There being no further business to discuss, the Chairman asked for a motion to adjourn. Mr. Hawkland made the motion which was seconded by Ms. Mack and passed unanimously.

The meeting was adjourned at 3:05 p.m.

Recording Secretary: Shaneka Davis